UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CARMEN POWELL, Plaintiff, vs. CITY OF CHULA VISTA, et. al., Defendants.	Civil No. 07CV1836 JAH (JMA) **ORDER GRANTING PLAINTIFF'S MOTION TO PROCEED *IN FORMA PAUPERIS* [Doc. No. 7] AND DIRECTING U.S. MARSHAL TO EFFECT SERVICE OF PROCESS PURSUANT TO 28 U.S.C. § 1915(d) AND FED.R.CIV.P. 4(c)(2)**

On September 19, 2007 Plaintiff, a non-prisoner appearing *pro se*, filed a complaint pursuant to 42 U.S.C. § 1983, alleging Defendants violated her constitutional rights. Plaintiff concurrently filed a motion to proceed *in forma pauperis*. A court may authorize the commencement of a suit without prepayment of fees if the plaintiff submits an affidavit, including a statement of all his or her assets, showing that he or she is unable to pay the fees. *See* 28 U.S.C. § 1915(a). On October 24, 2007, this Court denied Plaintiff's application to proceed *in forma pauperis* based upon insufficient information regarding Plaintiff's debts and expenses. Pursuant to the Court's order, Plaintiff filed a renewed motion to proceed *in forma pauperis* along with additional proof and a declaration of her inability to pay filing fees on November 19, 2007.

Plaintiff is currently unemployed but receives $1,124.81 in Social Security payments and child support per month. She maintains she has a bank account with an account balance of $11.80[1] and she owns no property, and has no other assets or securities. She is responsible for the support of one minor child. Plaintiff submits that her monthly expenses (including rent and utilities) total approximately $902.79. This Court finds Plaintiff has sufficiently demonstrated she is unable to pay the fees required to commence her suit.

Accordingly, IT IS HEREBY ORDERED:

1. Plaintiff's request to proceed *in forma pauperis* is **GRANTED**.

2. The United States Marshal shall serve a copy of the complaint and summons upon Defendants as directed by Plaintiff on U.S. Marshal Form 285. All costs of service shall be advanced by the United States.

3. Plaintiff shall serve upon Defendant or, if appearance has been entered by counsel, upon Defendant's counsel, a copy of every further pleading or other document submitted for consideration of the Court. Plaintiff shall include with the original paper to be filed with the Clerk of the Court a certificate stating the manner in which a true and correct copy of any document was served on the Defendant or counsel of Defendant and the date of service. Any paper received by a district judge or magistrate judge which has not been filed with the Clerk or which fails to include a Certificate of Service may be disregarded.

DATED: November 26, 2007

HON. JOHN A. HOUSTON
United States District Judge

[1]However, bank records submitted by Plaintiff indicate that her bank account is currently overdrawn by $554.41.